

Application No.: 10/022,723

Docket No.: R2184.0128/P128

REMARKS

The application has been reviewed in light of the Office Action mailed on February 24, 2005. Claims 1, 4, 5 and 9 have been amended without adding new matter. Reconsideration of the application is respectfully requested in light of the following.

Claims 1-9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Office Action asserts that in claim 1 it is "unclear whether the APC part is turned on or turned off when the recording speed exceeds a predetermined speed." Office Action, page 2. Claim 9 is rejected for similar reasons, and claims 2-8 are rejected due to their dependence from rejected claim 1.

Claim 1 has been amended to recite an "APC-turn off means for turning off said APC part so that the APC part stops monitored driving of the laser diode when it is determined that the recording speed exceeds a predetermined speed." Amended claim 1 further recites "APC-turn on means for turning on said APC part so that the APC part resumes monitored driving of the laser diode after determining the first optimum writing power value when it is determined that said APC part has been turned off by said APC-turn off means."

Claim 9 has been amended to recite the step of "b) turning off an APC ... part so that the APC part stops monitored driving of the laser diode when it is determined that the recording speed exceeds a predetermined speed." Amended claim 9 further recites "turning on said APC part so that the APC part resumes monitored driving of the laser diode after determining the first optimum writing power value when it is determined that said APC part has been turned off in step b)." Claims 1-9 are now in full compliance with 35 U.S.C. 112.

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Claims 1-5, 8 and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura, U.S. Patent No. 6,487,152 ("Nakamura"). Reconsideration is respectfully requested for the following reasons.

Claim 1 recites "second OPC (Optimum Power Control) means for obtaining a second optimum writing power value by writing on a subsequent unused partition by driving said laser diode at a plurality of second test laser power values centered on said first optimum writing power value," (emphasis added). This is an important feature of the invention. For example, the specification provides that the "second test laser power values  $P_{01}$  to  $P_{05}$  are calculated centered on  $P_{opt}$ ." Specification, page 16, lines 2-4. The claimed invention is not limited to the disclosed embodiments.

Nakamura fails to teach or suggest this limitation. The Office Action asserts that Nakamura teaches the above quoted limitation, and points to column 8, lines 58-67 and column 9, lines 1-7 of Nakamura. Applicants have reviewed the cited passages of Nakamura and found no teaching of the limitation. In the cited passages, Nakamura discloses examples of recording pulse train values, but fails to teach or suggest "second OPC (Optimum Power Control) means for obtaining a second optimum writing power value by writing on a subsequent unused partition by driving said laser diode at a plurality of second test laser power values centered on said first optimum writing power value." For at least this reason claim 1 is allowable over Nakamura.

Moreover, claim 1 recites "APC-turn off means for turning off said APC part so that the APC part stops monitored driving of the laser diode ... [and] first OPC ... means for obtaining a first optimum writing power value." Nakamura fails to teach or suggest an APC (Automatic Power Control) part that is turned off before the first OPC (Optimum Power Control) means obtains an optimum writing power value. The Office Action does not address this limitation, and this is an additional reason for allowance of claim 1.

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Thus, claim 1 is allowable over Nakamura. Claims 2-5 and 8 depend from claim 1 and contain every limitation of claim 1. Claims 2-5 and 8 are allowable based on at least the reasons for allowance of claim 1, and also because the unique combinations recited in these dependent claims are neither taught nor suggested by Nakamura.

Claim 9 recites a method comprising "turning off an APC ... part ... when it is determined that the recording speed exceeds a predetermined speed (1X); [and] ... obtaining a first optimum writing power value." Claim 9 also recites "obtaining a second optimum writing power value by ... driving said laser diode at a plurality of second test laser power values centered on said first optimum writing power value." As discussed above with respect to claim 1, Nakamura fails to teach or suggest these limitations, and claim 9 is allowable over Nakamura for at least these reasons.

Applicants note with appreciation the indication that claims 6 and 7 are allowable if rewritten in independent form. In view of the above amendments and remarks, however, Applicants believe that the pending application is in condition for allowance.

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Respectfully submitted,

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